

****SECTION 362 INFORMATION SHEET****1 Roger Pierre Baylocq
2 DEBTOR10-51372-GWZ
3 Bankruptcy Case No.

Motion No.

4 U.S. Bank National Association as Trustee for JP ALT 2006-S1
5 MOVANT/CREDITOR

11

CHAPTER FILED

6 2370 Del Monte Lane, Reno, NV 89511
7 Property Address***Certification of Attempt to Resolve the Matter Without Court Action:****Moving counsel hereby certifies that pursuant to the requirements of LR 4001(a)(2), an attempt has been made to resolve the matter without court action, but movant has been unable to do so.*

8 Date :February 15, 2011

Signature: /s/ Michael W. Chen

9 Attorney for Movant

10 PROPERTY INVOLVED IN THIS MOTION:

11 NOTICE WAS SERVED ON: Debtor: X;Debtor's Counsel: X;Trustee: X

DATE OF SERVICE: _____

EXHIBIT A

| | |
|---|---|
| 13 MOVING PARTY'S CONTENTIONS: 14 The EXTENT and PRIORITY OF LIENS: 15 1st Moving party is title holder of property 16 2nd Property was foreclosed upon prior 17 3rd to the instant bankruptcy filing 18 Total Encumbrances: 19 APPRAISAL OR OPINION AS TO VALUE 20 N/A | 13 DEBTOR'S CONTENTIONS: 14 The EXTENT and PRIORITY OF LIENS: 15 1st 16 2nd 17 3rd 18 Total Encumbrances: 19 APPRAISAL OR OPINION AS TO VALUE 20 N/A |
| 21 TERMS OF MOVANT'S CONTRACT WITH THE 22 DEBTOR: 23 Amount of Note: n/a 24 Interest Rate: n/a 25 Duration: n/a 26 Payment per Month: n/a 27 Date of Default: n/a 28 Amount in Arrears: n/a 29 Date of Notice of Default: February 15, 2011 30 SPECIAL CIRCUMSTANCES: 31 Signature: <u>/s/ Michael W. Chen</u> | 21 DEBTOR'S OFFER OF ADEQUATE PROTECTION 22 for the MOVANT: 23 SPECIAL CIRCUMSTANCES: 24 Signature: _____ |

EXHIBIT "A"

THE COOPER CASTLE LAW FIRM, LLP
A Multi-Jurisdictional Law Firm

820 South Valley View Blvd
Las Vegas, Nevada 89107
Telephone (702) 435-4175
Facsimile (702) 435-4181

February 15, 2011

Via Facsimile 775-322-1228

JOHN WHITE, ESQ.
335 W. FIRST ST.
RENO, NV 89503

RE: Debtor: Roger Pierre Baylocq
Bankruptcy No.: 10-51372-GWZ
Bankruptcy Chapter: 11
Bankruptcy Filed On: April 15, 2010
Our File No.: 10-06-6997- NV
Property Address: 2370 Del Monte Lane, Reno, NV 89511

Dear Mr. White:

On June 3, 2010, we received authorization from our client, U.S. Bank National Association as Trustee for JP ALT 2006-S1, to act on their behalf on the above referenced case.

Please see attached worksheet in compliance with Local Rule 4001.

Your anticipated cooperation in this matter is greatly appreciated. If you have any questions, please do not hesitate to contact us.

Very truly yours,

THE COOPER CASTLE LAW FIRM

/s/ *Michael W. Chen*
Michael W. Chen, Esq.
Encl.

LAS VEGAS • PHOENIX • DENVER • SALT LAKE CITY • CASPER • ALBUQUERQUE • PANAMA

In Affiliation with Castle, Meinhold & Stawiarski

LAS VEGAS OFFICE
820 South Valley View Blvd
Las Vegas, Nevada 89107- 2821

HENDERSON OFFICE
2821 W. Horizon Ridge Pkwy, Suite 201
Henderson, NV 89052

Telephone (702) 435-4175 • Facsimile (702) 877-7424

CHAPTER 11- LOCAL RULE 4001 Compliance Worksheet

Occupant: Roger Pierre Baylocq
Our Client: U.S. Bank National Association as
Trustee for JP ALT 2006-S1

Chapter: 11 Asset
BK #: 10-51372-GWZ

Our File #: 10-06-6997-NV

Terms under which we can resolve this matter without the filing of a motion:

Tenant/Debtor must vacate property immediately I will sign a stipulation to that effect and return within two business days.

We will not accept telephone tag or issues regarding our telephone system as a means of delaying the filing of a motion and ask that you either fill out this sheet OR send written confirmation via fax to (702) 435-4181. A fax log is kept for accuracy of when your written confirmations are returned.

Attorney Signature _____ Date: _____

This motion will be filed on **February 17, 2011 @ 3:30 PM**

LAS VEGAS • PHOENIX • DENVER • SALT LAKE CITY • CASPER • ALBUQUERQUE • PANAMA

In Affiliation with Castle, Meinhold & Stawiarski

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Las Vegas, Nevada 89107-2821

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*** TX REPORT ***

TRANSMISSION OK

TX/RX NO 2292
 RECIPIENT ADDRESS 17753221228
 DESTINATION ID
 ST. TIME 02/15 16:05
 TIME USE 00'24
 PAGES SENT 2
 RESULT OK

THE COOPER CASTLE LAW FIRM, LLP

A Multi-Jurisdictional Law Firm

820 South Valley View Blvd
 Las Vegas, Nevada 89107
 Telephone (702) 435-4175
 Facsimile (702) 435-4181

February 15, 2011

Via Facsimile 775-322-1228

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 335 W. FIRST ST.
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 Bankruptcy No.: 10-51372-GWZ
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Very truly yours,

THE COOPER CASTLE LAW FIRM

/s/ *Michael W. Chen*
 Michael W. Chen, Esq.
 Encl.

1 Stephanie L. Cooper, Esquire
2 Nevada Bar No. 5919
3 Michael W. Chen, Esquire
4 Nevada Bar No. 7307
5 THE COOPER CASTLE LAW FIRM
6 A Multi-Jurisdictional Law Firm
7 820 South Valley View Blvd.
8 Las Vegas, NV 89107
9 (702) 435-4175/(702) 435 4181 (facsimile)
10 Our File No. 10-06-6997-NV

ECF FILED ON:

FEB 22 2011

11 Attorney for Creditor
12 U.S. Bank National Association as Trustee for JP ALT 2006-S1

13
14 UNITED STATES BANKRUPTCY COURT
15 DISTRICT OF NEVADA

16 In re:
17 ROGER PIERRE BAYLOCQ
18 Debtor(s)

19 CHAPTER 11
20 BANKRUPTCY NO.: 10-51372-GWZ
21 DATE: March 29, 2011
22 TIME: 10:00 AM

23 RE: 2370 Del Monte Lane,
24 Reno, NV 89511

25 **MOTION FOR RELIEF FROM THE AUTOMATIC STAY**
FOR THE PURPOSE OF EVICTION

26 TO: **Roger Pierre Baylocq** DEBTORS
27 TO: **JOHN WHITE, ESQ.** ATTORNEY FOR THE DEBTOR(S)
28 TO: **U.S. TRUSTEE-LV-11** CHAPTER 11 TRUSTEE
29 TO: **ALL INTERESTED PARTIES**
30 TO: **THE CLERK OF THE ABOVE ENTITLED COURT**

31 Creditor, U.S. Bank National Association as Trustee for JP ALT 2006-S1, hereby moves this
32 Honorable Court for an order terminating the automatic stay for the purpose of eviction to allow
33 U.S. Bank National Association as Trustee for JP ALT 2006-S1, to begin/proceed with eviction
34 action against Debtor/Tenant and complete any and all contractual and statutory remedies available
35 pertaining to U.S. Bank National Association as Trustee for JP ALT 2006-S1's ownership interest
36 held in the real property located at 2370 Del Monte Lane, Reno, NV 89511 ("Property"). This
37 Motion is made and based on an amalgamation of the instant pleading and exhibits and all other

1 pleadings, statements and schedules on file herein, as well as the Section §362 Sheet attached hereto
 2 as Exhibit "A".

3 **FACTS**

4 1. On or about October 25, 2005, a loan was originated on the property located at 2370
 5 Del Monte Lane, Reno, NV 89511, secured and encumbered by a Deed of Trust, which is originally
 6 in favor of Colonial Bank, N.A.

7 2. Said property has been foreclosed on or about June 4, 2009, and a Trustee's
 8 Deed Upon Sale was recorded on July 14, 2009 and is attached hereto as Exhibit "B".

9 3. U.S. Bank National Association as Trustee for JP ALT 2006-S1 would like to begin
 10 11 eviction proceedings pursuant to the Trustee's Deed.

12 4. Debtors/Tenant filed their voluntary Chapter 11 on April 15, 2010.

13 5. The Movant requests relief from the automatic stay to proceed with eviction of the
 14 15 Debtors/Tenants.

16 **POINTS AND AUTHORITIES**

17 18 The Bankruptcy Code provides for relief from the automatic stay:

19 1. For cause, including the lack of adequate protection of an interest in
 20 property of such party in interest;
 21 11 U.S.C. §362(d)(1).

22 Procedurally, a lift-stay movant has the burden to establish prima facie facts entitling it to relief. See
 23 In re Elmore, 94 B.R. 670 (Bankr. C.D.Cal. 1988). To establish a prima facie case, the moving creditor must
 24 demonstrate the following:

25 The Debtor owes the obligation to the Creditor;
 There is a valid security interest from which relief from the stay may
 be sought; or
 "Cause" justifying relief from the stay.

In re Kin, 71B.R. 1011, 1015 (Bankr. C.D.Cal. 1987). After a creditor has established its prima facie case, the burden of proof shifts to the debtor to prove that there is no cause to terminate the

1 automatic stay. 11 U.S.C. § 362(g)(2); In re Ellis, 60 B.R. 432, 435 (9th Cir. B.A.P. 1985) citing In
2 re Gauvin, 24 B.R. 578 (9th Cir. B.A.P. 1982).

3 It is clear in the instant case that U.S. Bank National Association as Trustee for JP ALT
4 2006-S1 has foreclosed on the property and as a result of that foreclosure, they have obtained title to
5 the property. The Debtor/Tenant had substantially defaulted on their mortgage obligations prior to
6 the institution of the foreclosure proceeding. The lack of payments resulted in a properly noticed
7 and scheduled foreclosure sale on June 4, 2009. The Debtor has no legal interest in the subject
8 property. In re Jeremiah Grant, 303B.R. 205 (Bankr. D.N.V. 2003). "Cause" therefore exists to grant
9 this Creditor relief from the automatic stay for the purpose of eviction. Based upon the foregoing
10 authority U.S. Bank National Association as Trustee for JP ALT 2006-S1 is entitled to an order
11 terminating the automatic stay for the purpose of eviction. U.S. Bank National Association as
12 Trustee for JP ALT 2006-S1 respectfully requests that the Court determine that the Creditor is not
13 adequately protected and allow the Creditor to lift the stay for the purpose of eviction and secure its
14 collateral at no further costs to the Estate and its Creditors.

15 WHEREFORE, U.S. Bank National Association as Trustee for JP ALT 2006-S1,
16 CREDITOR respectfully requests:

17

- 18 1. That relief from the automatic stay for the purpose of eviction be granted to allow U.S. Bank
19 National Association as Trustee for JP ALT 2006-S1 to use any and all other methods to
20 obtain possession of the subject property and evict tenants;
- 21 2. That the court waives the requirement of approval under LR 9021; see attached proposed
22 Order Terminating the Automatic Stay; attached as Exhibit "C".
- 23 3. Award reasonable attorneys fees and costs to U.S. Bank National Association as Trustee for
24 JP ALT 2006-S1;

25
///

///

1 4. Waive the 14 day requirement under Fed R. Bank.Pro. 4001(a)(3); and
2 5. Award all other remedies that the Court may find reasonable and just.
3
4

5 Date: February 22, 2011

6 /s/ Michael W. Chen
7 Michael W. Chen, Esq.
8 Nevada Bar No. 7307
9 THE COOPER CASTLE LAW FIRM
10 A Multi-Jurisdictional Law Firm
11 Attorney for U.S. Bank National Association as
12 Trustee for JP ALT 2006-S1
13 820 South Valley View Blvd.
14 Las Vegas, NV 89107
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DOC #3780944

07/14/2009 12:18:59 PM

Electronic Recording Requested By
FIRST AMERICAN TITLE NDTs
Washoe County Recorder
Kathryn L. Burke - Recorder
Fee: \$16.00 RPTT: \$2870.00
Page 1 of 3

RECORDING REQUESTED BY:
The Cooper Castle Law Firm
fka The Cooper Christensen Law Firm, LLP
First American Title

AND WHEN RECORDED MAIL TO:
U.S. Bank National Association
1001 Semmes Avenue
RVW 3014 Richmond, VA 23224

Forward Tax Statements to
the address given above

040-581-04

SPACE ABOVE THIS LINE FOR RECORDER'S USE

LOAN #: 0202665907
T.S. NO.: 08-09-5354
TITLE ORDER # 3872590-A3

TRUSTEE'S DEED UPON SALE

A.P.N.: 040-581-04 TRANSFER TAX: 2870.00

The Grantee Herein Was The Foreclosing Beneficiary.
The Amount Of The Unpaid Debt was \$851,391.17
The Amount Paid By The Grantee Was \$700,000.00
Said Property Is In The City of Reno, County of Washoe

The Cooper Castle Law Firm fka The Cooper Christensen Law Firm, LLP, as Trustee, (whereas so designated in the Deed of Trust hereunder more particularly described or as duly appointed Trustee) does hereby GRANT and CONVEY to

U.S. Bank National Association as Trustee for JP ALT 2006-S1

(herein called Grantee) but without covenant or warranty, expressed or implied, all right title and interest conveyed to and now held by it as Trustee under the Deed of Trust in and to the property situated in the county of Washoe, State of Nevada, described as follows:

SEE EXHIBIT "A"

This conveyance is made in compliance with the terms and provisions of the Deed of Trust executed by Roger Baylocq as Trustor, dated Oct 25, 2005 of the Official Records in the office of the Recorder of Washoe County, Nevada under the authority and powers vested in the Trustee designated in the Deed of Trust or as the duly appointed Trustee, default having occurred under the Deed of Trust pursuant to the Notice of Breach and Election to Sell under the Deed of Trust recorded on Oct 31, 2005, Instrument Number 3299679, in Book of Official records. The Trustee has complied with all applicable statutory requirements of the State of Nevada and performed all duties required by the Deed of Trust including sending a Notice of Breach and Election to Sell within ten days after its recording and a Notice of Sale at least twenty days prior to the Sale Date by certified mail, postage prepaid, to each person entitled to notice in compliance with Nevada Civil Code 107.050.

[Page 1 of 2]

EXHIBIT B

TRUSTEE'S DEED UPON SALE

Trustee's Deed

LOAN #: 0202665907
T.S. NO.: 08-09-5354
TITLE ORDER # 3872590

All requirements per Nevada Statutes regarding the mailing, personal delivery and publication of copies of Notice of Default and Election to Sell under Deed of Trust and Notice of Trustee's Sale, and the posting of copies of Notice of Trustee's Sale have been complied with. Trustee, in compliance with said Notice of Trustee's sale and in exercise of its powers under said Deed of Trust sold said real property at public auction on Jun 04, 2009. Grantee, being the highest bidder at said sale, became the purchaser of said property for the amount bid, being \$700,000.00, in lawful money of the United States, in pro per, receipt thereof is hereby acknowledged in full/partial satisfaction of the debt secured by said Deed of Trust.

In witness thereof, The Cooper Castle Law Firm fka The Cooper Christensen Law Firm, LLP as Trustee, has this day, caused its name to be hereunto affixed by its officer thereunto duly authorized by its corporation by-laws.

Date: Jun 04, 2009

THE COOPER CASTLE LAW FIRM FKA THE
COOPER CHRISTENSEN LAW FIRM, LLP

By:

Melissa Roberts
Trustee Sale Officer

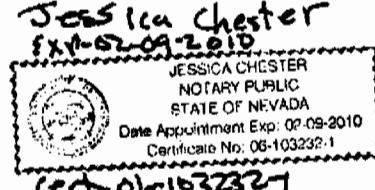
State of Nevada } SS.
County of Clark }

On Jun 04, 2009 before me, the undersigned, Jessica Chester, Notary Public, personally appeared Melissa Roberts personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

Signature

(Seal)



[Page 2 of 2]

Baylocq / 08-09-5354

EXHIBIT "A"

THE LAND REFERRED TO IN THIS GUARANTEE IS SITUATED IN THE STATE OF NEVADA, COUNTY OF WASHOE, TOWNSHIP OF RENO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

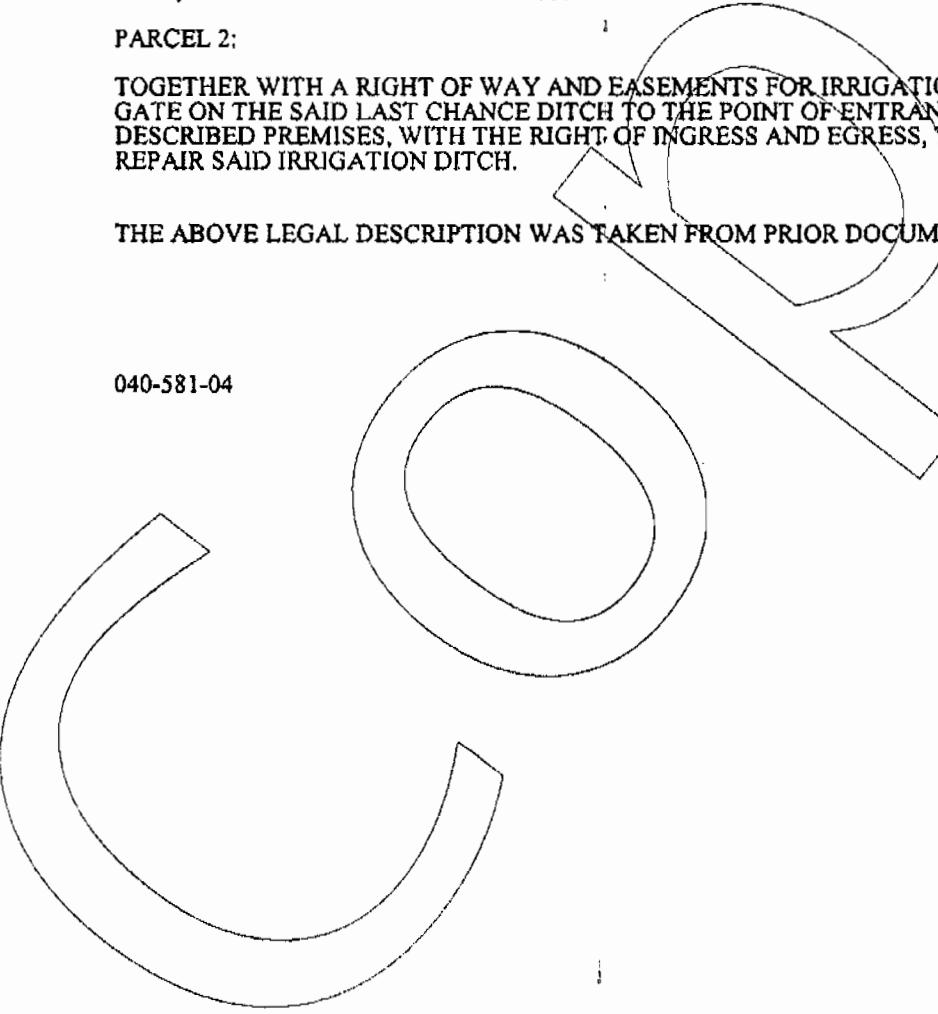
COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 18 NORTH, RANGE 19 EAST, M.D.B.&M.; THENCE NORTH 89°47' EAST ALONG THE SOUTHERN LINE OF SAID NORTHWEST 1/4 OF NORTHEAST 1/4 OF SAID SECTION 1, A DISTANCE OF 20.00 FEET TO THE EASTERN LINE OF DEL MONTE LANE; THENCE ALONG SAID EASTERN LINE AND ALONG THE NORTHEASTERN LINE OF DEL MONTE LANE THE THREE FOLLOWING COURSES AND DISTANCES; NORTH 0°13' WEST 278.55 FEET; NORTHERLY AND NORTHWESTERLY ON THE ARC OF A CURVE TO THE LEFT WITH A RADIUS OF 165.87 FEET, CENTRAL ANGLE OF 49°25', AN ARC DISTANCE OF 140.79 FEET TO THE TRUE POINT OF BEGINNING; THENCE NORTH 49°38' WEST 480.52 FEET; THENCE NORTH 54°04'43" WEST 483.86 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF THE LAKE DITCH; THENCE SOUTH 34°10' EAST 32.5 FEET; THENCE SOUTH 34°45' EAST 163.5 FEET; THENCE SOUTH 25°45' EAST 155.45 FEET; SOUTH 16°00' EAST 40 FEET; THENCE SOUTH 21°45' EAST 218.46 FEET TO THE NORTHERLY SIDE OF LAKE DITCH; THENCE ALONG THE NORTHERLY SIDE OF LAKE DITCH, NORTH 81°57' WEST 138.8 FEET; SOUTH 68°33' WEST 35.9 FEET; SOUTH 52° 23' WEST 89 FEET; THENCE SOUTH 75°21' WEST 33.86 FEET TO THE PLACE OF BEGINNING.

PARCEL 2:

TOGETHER WITH A RIGHT OF WAY AND EASEMENTS FOR IRRIGATION DITCH FROM THE SERVICE GATE ON THE SAID LAST CHANCE DITCH TO THE POINT OF ENTRANCE ON THE ABOVE DESCRIBED PREMISES, WITH THE RIGHT OF INGRESS AND EGRESS, TO INSPECT, CLEAN AND REPAIR SAID IRRIGATION DITCH.

THE ABOVE LEGAL DESCRIPTION WAS TAKEN FROM PRIOR DOCUMENT No. 3127142.

040-581-04



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EXHIBIT C

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6 Stephanie L. Cooper, Esquire
7 Nevada Bar No. 5919
8 Michael W. Chen, Esquire
9 Nevada Bar No. 7307
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14 (702) 435-4175/(702) 435 4181 (facsimile)
15 yylagan@ccfirm.com
16 Our File No. 10-06-6997-NV
17
18 Attorney for Creditor
19 U.S. Bank National Association as Trustee for JP ALT 2006-S1

13
14 UNITED STATES BANKRUPTCY COURT
15 DISTRICT OF NEVADA

16 In re:

17 ROGER PIERRE BAYLOCQ
18 Debtor(s)

19 CHAPTER 11
20 BANKRUPTCY NO.: 10-51372-GWZ
21 DATE: March 29, 2011
22 TIME: 10:00 AM

23
24 **ORDER TERMINATING THE AUTOMATIC STAY**
FOR THE PURPOSE OF EVICTION

25
26 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED, that the Automatic Stay in the
27 above-entitled Bankruptcy case is terminated as to Creditor, U.S. Bank National Association as
28 Trustee for JP ALT 2006-S1, its assignees and/or successors in interest, who may proceed with or
29 continue with the Eviction in process of the subject Property and take all steps necessary to evict the
30 tenants and regain possession in accordance with their contractual rights and statutory remedies on

1 the property located and generally described as 2370 Del Monte Lane, Reno, NV 89511,
2 ("Property" herein) and legally described as follows:

3 A PARCEL OF LAND BEING MORE PARTICULARLY DESCRIBED ON EXHIBIT
4 "A" ATTACHED HERETO AND MADE A PART HEREOF.

5 Submitted by:

6 THE COOPER CASTLE LAW FIRM
7 A Multi-Jurisdictional Law Firm

8 By: /s/ Michael W. Chen Date: February 22, 2011
9 Michael W. Chen, Esq.
Attorney for Creditor
U.S. Bank National Association as Trustee for JP ALT 2006-S1

10
11 By: _____ Date: _____
12 U.S. TRUSTEE-LV-11
Chapter 11 Trustee

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